

Message Text

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ORIGIN AEC-11

INFO OCT-01 EUR-25 IO-14 ISO-00 ACDA-19 CIAE-00 INR-10

L-03 NSAE-00 NSC-10 RSC-01 SCI-06 FEA-02 PM-07 SS-20

DODE-00 PA-04 USIA-15 PRS-01 SPC-03 /152 R

66613

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L/SCI: EMAURER

ACDA: CVANDOREN

IO/DCT: FGALANTO

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P R 242127Z JAN 74

FM SECSTATE WASHDC

TO USMISSION IAEA VIENNA PRIORITY

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION EC BRUSSELS

C O N F I D E N T I A L STATE 015963

E.O. 11652: N/A

TAGS: PARM, IAEA, US, UK, UR

SUBJ: REPORTING INTERNATIONAL TRANSFERS OF NUCLEAR MATERIAL

REF: U.S. IAEA VIENNA 9884 AND 0195

1.FROM VIEWPOINT OF PRACTICAL IMPLEMENTATION BY US WITHOUT AMENDING US REGULATIONS AND LICENSING PROCEDURES REGARDING EXPORT AND IMPORT OF NUCLEAR MATERIALS, WE BELIEVE CERTAIN CHANGES IN DRAFT TEXT DESIRABLE. FYI: AEC PREPARED TO CONSIDER AMENDING REGULATIONS AND LICENSING PROCEDURES IF REQUIRED TO OBTAIN FEATURES REGARDED AS ESSENTIAL TO SATISFACTORY ARRANGEMENT WHICH ALL THREE PARTIES WILL IMPLEMENT AND WHICH COULD SERVE IN LIEU PARAS 91-97 IN US OFFER AGREEMENT WITHOUT PLACING UNDUE BURDEN ON US INDUSTRY IN
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GENERAL. MISSION REQUESTED TO DISCUSS WITH AGENCY AND UK

AND USSR REPS PROPOSED CHANGES AND REASONS THEREFORE, INDICATED BELOW, AND ADVISE REACTIONS. END FYI.

2. REGARDING EXPORTS, IN GENERAL WE SEE NO PROBLEM IN 10-DAY ADVANCE NOTIFICATION IF IT CAN BE BASED ON U.S. SPECIFIC EXPORT LICENSE APPLICATION, SINCE AEC CAN NOTIFY AGENCY IMMEDIATELY UPON RECEIPT OF LICENSE APPLICATION. ACTUAL EXPORT MAY BE MANY MONTHS AFTER LICENSE ISSUANCE, BUT WE ASSUME THIS NO PROBLEM SINCE NOTIFICATION CONTEMPLATED IS NOT TO INCLUDE SHIPMENT DATES AND AGENCY WOULD BE ABLE TO CONTACT EXPORTER FOR ADDITIONAL DETAILS IF IT CHOSE TO DO SO. FOR EXAMPLE, IN THE CASE OF SHIPMENTS TO OR FROM FACILITIES BEING SAFEGUARDED UNDER THE PRESIDENT'S OFFER, THE AGENCY WOULD HAVE CONTACT ALREADY ESTABLISHED WITH THOSE FACILITIES.

3. MANY USAEC EXPORT LICENSES, ESPECIALLY THOSE AUTHORIZING EXPORT OF ENRICHED URANIUM FOR USE IN POWER REACTORS, COVER LARGE QUANTITIES WHICH ARE TRANSFERRED IN MULTIPLE SEQUENTIAL SHIPMENTS. LICENSE CUSTOMARILY AUTHORIZES EXPORT UP TO A MAXIMUM QUANTITY OF MATERIAL WITHIN YEAR AFTER ISSUANCE. EXPORTER IS NOT REQUIRED TO STATE IN APPLICATION THE ANTICIPATED QUANTITY OF DATE OF EACH INDIVIDUAL SHIPMENT, COVERED BY THE APPLICATION, AND FREQUENTLY QUANTITY AND DATE ARE NOT DECIDED UNTIL SHORTLY PRIOR EACH SHIPMENT. THEREFORE TO AVOID BURDENING EXPORTER WITH REQUIREMENT TO OBTAIN SEPARATE LICENSE FOR EACH SHIPMENT, INVOLVING LARGE INCREASE IN HIS AND GOVERNMENT PAPERWORK AND PROCESSING TIME AND CONSEQUENT SLOWDOWN IN TRANSFERS OF MATERIAL, WE WOULD STRONGLY PREFER TEST REFER TO SUBMITTING INFORMATION ON "THE ANTICIPATED EXPORT" INSTEAD OF ON "EACH SHIPMENT."

4. FURTHERMORE, UNDER CURRENT US REGULATIONS, NO SPECIFIC EXPORT LICENSE IS REQUIRED FOR EXPORT OF CERTAIN SOURCE MATERIALS CONTAINED IN GAS MANTLES OR FOR OTHER SPECIFIED NON-NUCLEAR USES, SINCE THEY ARE COVERED BY GENERAL LICENSES. WHILE EXPORTS OF SUCH MATERIALS INVOLVING AS MUCH AS ONE EFFECTIVE KILOGRAM ARE UNLIKELY TO OCCUR, THEY ARE NEVERTHELESS POSSIBLE, AND TO ASSURE ADVANCE NOTIFICATION TO AGENCY, US REGULATIONS WOULD HAVE TO BE REVISED TO REQUIRE SPECIFIC EXPORT LICENSE FOR THIS TYPE OF EXPORT OR TO REQUIRE GENERAL

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LICENSE EXPORTERS TO GIVE AEC ADVANCE NOTIFICATION. SINCE SUCH MATERIALS USED FOR NON-NUCLEAR PURPOSES ARE NOT IN OUR VIEW SIGNIFICANT FOR SAFEGUARDS PURPOSES, WE SUGGEST THAT DRAFT TEXT BE AMENDED TO EXCLUDE SOURCE MATERIALS TRANSFERRED FOR NON-NUCLEAR PURPOSES. THIS WOULD BE IN ACCORD WITH INFCIRC/153, PARAGRAPH 34(A) AND (B), WHICH DO NOT REQUIRE NOTIFICATION TO AGENCY IF SUCH MATERIAL IS EXPORTED/IMPORTED FOR SPECIFICALLY NON-NUCLEAR PURPOSES, AND PARAS 13 AND 36(B),

WHICH PROVIDE FOR EXEMPTIONS FOR SUCH MATERIAL.

5. REGARDING IMPORTS, WHILE U.S. COULD PROVIDE ADVANCE INFORMATION SPECIAL NUCLEAR MATERIAL IMPORTS ON BASIS OF IMPORT LICENSES, IMPOSITION OF MANDATORY TIME PERIOD TO PROVIDE AGENCY WITH 10-DAY ADVANCE NOTICE COULD HAVE ADVERSE ECONOMIC EFFECT IN SOME CASES BY DELAYING IMPORTS THAT COULD OTHERWISE TAKE PLACE. MOREOVER, AS STATED STATE 185392, LAST PARAGRAPH, PRACTICALLY ALL SOURCE MATERIAL IMPORTS ARE GENERALLY LICENSED AND AEC RECEIVED ONLY AFTER-THE-FACT REPORTS. BEFORE WE CAN CONSIDER WHETHER ACTIONS WHICH WOULD BE REQUIRED TO PROVIDE 10-DAY ADVANCE NOTICE COULD JUSTIFIABLY BE TAKEN, WE WOULD APPRECIATE INFORMATION REGARDING SECRETARIAT VIEWS OBTAINED PER VIENNA 9152, PARA #3, WHICH AID MISSION WOULD QUERY SECRETARIAT REGARDING NEED FOR ADVANCE NOTIFICATION ON IMPORTS. WE RECOMMEND AGAINST INCLUDING REQUIREMENT FOR ADVANCE NOTIFICATION ON IMPORTS, WHETHER SOURCE MATERIAL OR SNM, UNLESS AGENCY ANTICIPATES USING INFORMATION FOR SIGNIFICANT SAFEGUARDS PROCEDURE WHICH WILL BE APPLIED UNIFORMLY WITH RESPECT TO WHICHEVER NWS IS CONCERNED, WHETHER US, UK, OR USSR. AFTER-THE-FACT NOTIFICATIONS TO AGENCY ON RECEIPT OF IMPORTS, AS SUGGESTED BY THE UK, WOULD BE ACCEPTABLE TO US AND FURTHER WOULD PROBABLY BE MORE USEFUL TO AGENCY IN VIEW OF PRECISE DATA THAT COULD THEN BE INCLUDED IN NOTIFICATION.

6. IF CONCEPT OF ADVANCE NOTIFICATION ON IMPORTS IS ULTIMATELY RETAINED, WE CONCUR WITH UK VIEW ON INCLUSION OF BRACKETED PHRASE QUOTE FOR PEACEFUL PURPOSES UNQUOTE. WITH RESPECT TO BRACKETED PARA2(C), WE FAVOR OMISSION UNLESS AGENCY ANTICIPATES USING INFORMATION FOR SIGNIFICANT SAFEGUARDS PROCEDURE WHICH WILL BE APPLIED WITH RESPECT TO WHICHEVER NWS CONCERNED.

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7. WOULD APPRECIATE MISSION VIEWS AND ANY OTHER VIEWS OBTAINED (AGENCY, UK, USSR). VIENNA'S 517 WILL BE COMMENTED ON SEPARATELY. END. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, EXPORTS, IMPORTS, NUCLEAR AGREEMENTS, NUCLEAR SAFEGUARDS, EXPORT LICENSES
Control Number: n/a
Copy: SINGLE
Draft Date: 24 JAN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE015963
Document Source: CORE
Document Unique ID: 00
Drafter: USAEC:DIP: BMCFADDEN/RNSLAWSON
Enclosure: DG ALTERED
Executive Order: GS
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740118/aaaaaqhg.tel
Line Count: 158
Locator: TEXT ON-LINE
Office: ORIGIN AEC
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: U.S. IAEA VIENNA 9884 AND 0195
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAR 2002 by worrelsw>; APPROVED <11 APR 2002 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REPORTING INTERNATIONAL TRANSFERS OF NUCLEAR MATERIAL
TAGS: PARM, US, UK, UR, IAEA, AEC
To: IAEA VIENNA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005